

State of Utah Drug-Free Workplace Procedures

1.0 PROGRAM ADMINISTRATION

1.01 DHRM Responsibilities

- < Identify a state drug program coordinator (DPC) to coordinate and monitor the state's drug and alcohol program.
- < Negotiate and secure contracts for collection, lab and medical review services.
- < Create and make appropriate changes to the state's drug and alcohol policy.
- < Propose changes to legislation as needed.
- < Disseminate policy, procedures, and information to agencies.
- < Designate jobs and/or positions as safety sensitive.
- < Provide the collection agency with updated lists of agency DPCs and site coordinators and individuals subject to random drug and alcohol testing.

1.02 Agency Responsibilities

- < Enforcement of drug and alcohol testing policy and procedures.
- < Inform all employees in safety sensitive positions of the existence and enforcement of this policy.
- < Inform all final candidates for employment in safety sensitive positions of the existence and enforcement of this policy.
- < Notify DHRM of intention to initiate random testing of non- federally regulated safety sensitive positions at least 45 days prior to initial implementation.
- < Prior to implementation of random testing of non federally regulated safety sensitive employees, the agency shall contact contracted collection provider to make necessary arrangements and schedule necessary training.
- < Notify general safety sensitive employees of random testing program at least 30 days prior to initial implementation.
- < Identification of an agency drug program coordinator (DPC) and/or site coordinator(s): The agency DPC will notify the state DPC of changes in DPCs or site coordinators.
- < Determine the appropriate corrective action and/or discipline for employees who violate this policy.
- < Coordinate rehabilitation, return to duty and/or follow-up testing of agency employees as needed.
- < Ensure record keeping is maintained in accordance with applicable state and federal regulations.
- < Provide ongoing training to agency staff as required by applicable state and federal regulations.
- < Submit requests and documentation to DHRM when changes in duties necessitate a change in safety sensitive status of any position.
- < Enter and maintain applicable employee records in the centralized state human resources database.

1.03 RECORD KEEPING

1. DHRM Responsibilities

DHRM shall retain a copy of the annual management information system report required by the Department of Transportation (DOT) which records the number of employees tested, by type of test (e.g., post accident) and results, for at least five (5) years. Records that demonstrate the collection process conforms to DOT regulations shall be maintained by the state's contracted collection agency in accordance with federal regulations.

2. Agency Responsibilities

Each agency shall keep the following records in secured files separate from the employees personnel files for the periods specified, and permit access to the records as provided in the records access section:

- < Records of drug and alcohol test results showing that an employee failed a test or refused to test, the type of test failed (e.g., post-accident), and records that demonstrate rehabilitation, if any, must be kept for at least five (5) years.
- < Records confirming that the agency has met the supervisor and employee training requirements have an indefinite retention period and need to be kept at least 2 years after termination.
- < Documents generated in connection with decisions to administer various tests have an indefinite retention period and need to be kept at least 2 years after termination.
- < Records of negative and canceled drug test results and alcohol test results with less than a .02 concentration must be kept for at least one (1) year.

1.04 RECORDS ACCESS

Records may only be released in accordance with provisions of the Government Records Access and Management Act (GRAMA), Americans with Disabilities Act (ADA) and other applicable federal and state laws and regulations. All drug and alcohol related records must be kept secure and confidential. Drug and alcohol records must not be placed in the personnel file. These documents must be kept in a separate secured file. Specific information regarding an individual's drug and/or alcohol test result or rehabilitation is classified as private. The agency may utilize test results in any employment related administrative or legal forum whether or not the employee has given legal consent. Statistical data related to drug or alcohol testing and rehabilitation which does not identify the employee by name shall be made available to DHRM, DOT representatives or state agencies upon request.

1.05 BILLING

Agencies will be billed directly by the collection agency for tests conducted on their employees.

The MRO will send an itemized invoice (by month) to the State DPC for services performed for each agency. Agencies will provide DHRM with one centralized billing and will be inter-account billed by DHRM for testing done in their agency. Agencies will also be billed for blind samples according to the percentage of their program usage.

Agencies and/or employees must make their own arrangements for the services and billing of Substance abuse professionals and/or employee assistance programs.

1.06 SITUATIONS NOT COVERED BY THESE PROCEDURES

- < The Department of Human Resource Management recognizes that situations may arise which are not specifically covered by these procedures. These situations will be addressed on a case-by-case basis. Agencies may develop their own procedures to address specific practices, where latitude is given, provided that any such procedure is in conformity with state and federal laws and regulations and are not less restrictive than these procedures
- < Any questions concerning these procedures or their specific application, should be directed to the agency drug program coordinator or the state drug program coordinator.

2.0 GUIDELINES FOR DRUG TESTING

2.01 DRUG TESTING

All drug testing will be done in a federally certified laboratory. Prohibited drugs which will be tested for include, but are not limited to, cannabis (marijuana), cocaine, opiates, PCP, amphetamines and metabolites of these drugs. Any employee with a MRO verified positive test result is subject to disciplinary action up to and including termination.

2.02 COLLECTION LOCATIONS

All specimen collection for employee drug testing shall be conducted on site at the employee's work place or other locations as determined by the agency Drug Program Coordinator (DPC) or designee and shall be considered as work time.

2.03 MEDICAL REVIEW OFFICER (MRO)

The Department of Human Resource Management (DHRM) has contracted with a qualified medical review officer (MRO) in compliance with current federal guidelines. The MRO is a licensed physician with knowledge in the area of substance abuse disorders. The MRO is medically qualified to interpret and evaluate an employee's/applicant's laboratory reported positive test results as well as the employee's/applicant's medical history or any other relevant biomedical information. No MRO utilized by this program shall be employed by a laboratory which analyzes state employee/applicant drug testing specimens.

The MRO has responsibility to review laboratory reported test results and determine whether the test result should be reported as positive or negative. Prior to the MRO reporting a test as positive, the donor shall be given an opportunity to discuss the test with the MRO regarding any legitimate reason for the presence of a controlled substance(s) or its metabolite in the specimen. The MRO shall contact the employee/applicant directly, in a confidential manner, to determine whether the employee/applicant wishes to discuss the test result. Any individual on the MRO's staff may make the initial contact, but only a medically licensed or certified individual may gather the information from the employee/applicant. If reasonable efforts by the MRO or his staff do not result in contact with the donor, the MRO shall contact the agency DPC or designee who shall, in a confidential manner, direct the donor to contact the MRO as soon as possible. If an applicant donor fails to contact or cooperate with the MRO, the applicant may not be hired. The MRO may report a test result without having communicated directly with the employee/applicant if:

1. The employee/applicant expressly declines an opportunity to discuss the test.
2. Neither the MRO nor the DPC, after making all reasonable efforts, has been able to contact the employee/applicant within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory.

3. The DPC or designee has successfully made and documented contact with the employee/applicant, instructed the employee/applicant to contact the MRO, and more than five (5) days have elapsed since the date the employee/applicant was contacted.

When there has been no documented communication with an employee or applicant, and the MRO has reported a test as positive under 2 or 3 above, the donor may present information to the MRO documenting that serious illness, injury or other circumstances unavoidably prevented the donor from being contacted by the MRO or DPC within the allotted time frame. Based on that information, the MRO may reopen the verification process and allow the donor to present information concerning a legitimate explanation for the confirmed positive test. If a legitimate explanation for the positive result is provided to the MRO, the test shall be declared negative.

If the MRO verifies a test as positive the employee may, within seventy two (72) hours of notification, request that the split sample be tested. The request for re-testing must be made to the MRO who shall then direct the laboratory which analyzed the original specimen to provide the split specimen to another federally certified laboratory for analysis. The cost of re-testing is the responsibility of the employee. However, if the reanalysis or retest is negative, the employee shall be reimbursed the cost of the test.

The MRO is responsible to insure the accuracy and consistency of the lab's testing, procedures, and results through the use of blind samples. The MRO will provide blind samples and a means of control in accordance with federal standards. The blind sample will be processed as normal through the contracted collection company and the lab. When the MRO receives the sample back from the lab, a verification of the lab result will be done. A comparison of results will be reported to the State Drug Program Coordinator.

2.04 PRE-EMPLOYMENT TESTING

1. Each agency will advise applicants for safety sensitive positions, that submitting to urine drug screening is a condition of employment.
2. As a condition of employment, final candidates for safety sensitive positions are required to submit to a urine drug screen. A test verified positive by the MRO will disqualify an applicant from employment in a safety sensitive position.
3. Any employee who is a final candidate for, is transferred to, or is assigned job duties in a safety sensitive position, if not already in a safety sensitive classification, must submit to a urine drug screen to test for controlled substances and metabolites of those controlled substances. Any such employee whose test is verified positive by the MRO may be subject to disciplinary action, up to and including termination, and shall not be hired, transferred or assigned to the new position.

2.05 REASONABLE SUSPICION TESTING

1. Reasonable suspicion testing may be initiated when management determines that there is reasonable suspicion to warrant a test. This reasonable suspicion must be based on specific, documentable, contemporaneous, observation including but not limited to: job performance, appearance, behavior, speech, statements, possession, or body odors.
2. Management shall contact the agency DPC or designee, to concur in the decision to arrange to test an employee. The agency DPC or designee need not observe the employee's behavior. (For CDL positions, the supervisor must be trained in detection of the possible symptoms of drug abuse.)
3. Employees in safety sensitive positions who are tested for reasonable suspicion must be placed in non-safety sensitive duties or on administrative leave until results from the drug urine screening are available. In all cases of reasonable suspicion testing, any employee may be placed on administrative leave until an evaluation has taken place and an appropriate course of action determined, by the agency. No advance notice is required to perform reasonable suspicion drug tests.

2.06 CRITICAL INCIDENT TESTING

1. Critical incident testing may be initiated when the behavior, action or inaction of an employee is of such seriousness it requires an immediate intervention on the part of management.
2. Management shall contact the agency DPC or designee, to concur in the decision to arrange to test an employee. The agency DPC or designee need not observe the employee's behavior.
3. Employees in safety sensitive positions who are tested for a critical incident must be placed in non-safety sensitive duties or on administrative leave until results from the test are available. In all cases of critical incident testing, any employee may be placed on administrative leave until an evaluation has taken place and an appropriate course of action determined, by the agency. No advance notice is required to perform critical incident drug tests.

2.07 POST-ACCIDENT TESTING

Employees who are involved in an accident while on duty, whether driving a state vehicle or any other vehicle, are subject to post accident testing where:

1. A fatality occurs; or
2. The driver receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involved:

- a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident ; or
 - b. One or more motor vehicles incurring disabling damage as a result of the accident , must be transported away from the scene by a tow truck or other vehicle.
3. There is reasonable suspicion that the employee had been driving under the influence of a controlled substance.
4. An employee who is subject to post-accident testing who fails to remain readily available for the testing, including notifying management of his/her location if leaving the scene of the accident, prior to submitting to testing, may be deemed to have refused to submit to testing. This requirement shall not be construed to require the delay of necessary medical attention for injured people following an accident nor to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

2.08 RANDOM TESTING

All employees in safety sensitive positions are subject to random drug testing.

1. Employees in positions which have specific federal regulations will be tested at the rate specified by the applicable federal regulation. Testing of the requisite number of employees shall be evenly distributed every calendar year. Each month the contracted collection company shall select the requisite number of employees to be tested using a computer program which randomly selects social security numbers. The contracted collection company will coordinate testing with the DPC or designee to arrange the date, time, and place the employee will report for the test. The DPC will notify the employee's supervisor of this information who will see that the employee reports directly to the testing site. The DPC shall ensure that random tests are unannounced. Testing will be conducted during normal working hours with no time lost to the employee.
2. Other positions, which have been designated as safety sensitive by DHRM, will be selected randomly by computer and be tested at a rate set by DHRM. Testing of the requisite number of employees shall be evenly distributed every calendar year. Each month the contracted collection company shall select the requisite number of employees to be tested using a computer program which randomly selects social security numbers. The contracted collection company will coordinate testing with the DPC or designee to arrange the date, time, and place, the employee will report for the test . The DPC or designee will notify the employee's supervisor of this information who will see that the employee reports directly to the testing site. The DPC or designee shall ensure that random tests are unannounced. Testing will be conducted during normal working hours with no time lost to the employee.

2.09 RETURN-TO-DUTY TESTING

1. Prior to allowing an employee who completes a drug treatment to return to work, the agency must receive the following:
 - a. a statement of program completion from a substance abuse professional (SAP) ; and
 - b. a return to duty drug test which is verified as negative by the MRO.
2. Any employee who refuses to participate in a return to duty drug test or who tests positive for any controlled substance, is subject to discipline up to and including termination.

2.10 FOLLOW-UP TESTING

1. Any employee who tests positive for a controlled substance may be subject to follow up testing for a period not to exceed five (5) years.
2. An employee who has completed a substance abuse program, whether voluntary or recommended by a SAP, may be required to submit to subsequent unannounced testing as recommended by the SAP. Follow-up testing may continue for a period not to exceed five (5) years.

2.11 REVIEW OF TEST RESULTS

All test results shall be sent by the laboratory directly to the MRO by the laboratory. Prior to reporting any drug test results the MRO will conduct a review of the test results. Drug tests will not be reported to agencies as positive until they have been verified positive by the MRO.

2.12 POSITIVE TEST RESULTS

1. Positive screen tests shall be confirmed by the laboratory and submitted to the MRO for review. After receiving the laboratory confirmed positive test results, the MRO will interview the employee/applicant as outlined in section 2.03. If the MRO verifies the test as positive, the MRO will provide an immediate notification of a "positive" test result by telephone, to the agency DPC. A written verification of the positive result will be mailed and addressed "confidential" to the agency DPC.
2. The employee/applicant shall be informed by the MRO of positive test results in a confidential manner.

2.13 NEGATIVE TEST RESULTS

1. The MRO will provide an immediate notification of a “negative” test result by telephone, to the agency DPC. A written verification of the negative result will be mailed and addressed “confidential” to the agency DPC.
2. The MRO will make no notification to an employee/applicant having a negative drug test result. The agency DPC may notify the employee/applicant of a negative test result.

2.14 RETENTION OF SAMPLES

The method of collection will be split sampling (two vials collected from one void).

Samples that yield positive test results on confirmation must be retained by the laboratory in properly secured, long term, frozen storage for at least 365 days.

Within the 365 day period the employee or his/her representative, State Drug Coordinator, Federal Administrator, or the State agency may request, in writing, that the laboratory retain the sample for an additional specified period. If, within the 365 day period, the laboratory has not received a written request to retain the sample, the sample may be discarded following the end of the 365 day period, unless the a specimen is known to be under legal challenge in which case it must be kept for an indefinite period.

The split specimen may be destroyed sixty (60) days after arrival at the laboratory if the laboratory has not received written notice of a request for a test of the split specimen from the MRO.

2.15 RETEST OF DILUTE SAMPLES

1. If the MRO reports that a positive drug test was dilute, then the test will be treated as a verified positive test. An employee should not be directed to take another test based on the fact that the specimen was dilute.
2. If the MRO reports that a negative drug test was dilute, then direct the employee to take another test immediately. Such recollections must not be collected under direct observation, unless there is another basis for use of direct observation.
 - a. When directing the employee to take another test, ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site.
 - b. When directing the employee to take another test, the result of the second test – not that of the original test – becomes the test of record.

- c. If an employee is required to take another test, and the second test is also negative and dilute the employee shall not be required to take a third test because the second test was dilute.
- d. If an employee is directed to take another test and the employee declines to do so, the employee has refused the test for purpose of this policy.

2.16 RETEST OF ORIGINAL SAMPLE / SPLIT SPECIMEN TESTING:

The MRO will notify each employee with a verified positive test that the employee has seventy-two (72) hours from the time of notification to request that the split specimen be tested. The split specimen must be tested by another federally certified laboratory. The original laboratory must follow approved chain-of-custody procedures in transferring the split specimen. Payment for the retest is the responsibility of the employee.

If the split specimen fails to confirm the presence of drug or drug metabolite, the test will be reported as negative by the MRO. If re-testing results are negative the employee will be reimbursed, by the agency, for the cost of re-testing.

2.17 DIFFICULTY IN OBTAINING SAMPLES:

1. Employees with shy bladders and who are required to provide a specimen will remain at the collection site and continue to consume reasonable quantities of fluids (up to 40 ounces spaced throughout the three hour period) until an adequate specimen has been provided or until the expiration of a period up to three (3) hours from the beginning of the collection procedure. Employees with a shy bladder will be supervised by the collection site person during the time they are at the collection site.
 - a. Refusal to provide a new urine specimen or refusal to drink fluids as directed shall be deemed as refusing to take the test.
 - b. If unable to provide a sample within the 3 hour time period, the employee shall be directed to obtain an evaluation from a licensed physician to determine if a medical condition exists which precludes the donor's ability to provide a sample. This report will be given to the MRO who will issue a determination whether a legitimate medical cause exists for the donor's inability to provide a sample. Unless the MRO determines that there is a high probability that a medical condition has precluded the donor from providing a sample, the donor's inability to provide a sample shall be deemed as refusing to take the test.
2. Applicants for employment who have a shy bladder may remain at the collection site for a period not to exceed three (3) hours and may consume reasonable quantities of fluids (up to 40 ounces spaced throughout the three hour period) until they provide a specimen or they may elect to apply for a position at another time and again try to provide a specimen.

3. Alteration, adulteration, substitution or otherwise tampering with a specimen shall be deemed a refusal to submit to a test and carry the same consequences as a positive test.

2.18 REFERRAL TO REHABILITATION SERVICES

For employees in federally regulated positions, referral to rehabilitation services shall be in accordance with the specific federal regulation. For employees in state designated safety sensitive and non safety sensitive positions, agencies may, at their sole discretion, offer an employee, who has a confirmed positive drug test, the option to receive an evaluation from a qualified substance abuse professional (SAP) and to successfully complete an appropriate rehabilitation program in lieu of termination. Employees who elect to participate shall be subject to the following provisions:

1. All rehabilitation and counseling services are at the employee's expense.
2. The employee shall be granted accrued leave in order to participate in treatment; the agency may also grant administrative leave or leave without pay.
3. Employees participating in rehabilitation are required to sign a medical records release in order to facilitate transmittal of verbal or written compliance reports; employees may also be required to sign a return to work and/or last chance agreement.
4. An employee may be required to continue participation in an outpatient rehabilitation program as prescribed by a licensed.
5. An employee in safety sensitive position may not return to work in safety sensitive duties until the substance abuse professional declares the employee has successfully completed the rehabilitation program and is ready to return to work, including performance of safety sensitive duties if applicable and has been re-tested in accordance with recommendations by the substance abuse professional and received a negative test result.
6. Employees who have gone through a rehabilitation process are expected to meet their performance standards just as other employees.
7. Employees shall be required to participate in a follow-up testing program after they have passed a return to duty test. Testing will occur on an unannounced basis for a period of time recommended by the substance abuse professional for a period not to exceed five (5) years.
8. Employees who fail to comply with the SAP recommendations and treatment plan, who violate their return to work or last chance agreement, or who test positive any time after the original positive test may be disciplined, up to and including termination.

3.0 GUIDELINES FOR ALCOHOL TESTING

3.01 ALCOHOL TESTING

All alcohol testing will be conducted by breath alcohol technicians who have been trained and meet federal requirements. Evidential breath screening devices must be found on the national conforming products list provided by the National Highway Traffic Safety Administration. Prohibited alcohol concentrations will be in conformance with applicable state and federal laws or regulations.

3.02 BLOOD ALCOHOL CONCENTRATION LEVELS

Test results from alcohol breath tests showing an alcohol concentration equal to or greater than .08, (.04 for safety sensitive) shall be considered a positive test. Employees with a test result showing an alcohol concentration of .02 but less than .04 must be removed from any safety sensitive duties and/or may be placed on administrative leave until re-tested with a result of less than .02 or an appropriate time has lapsed since the last test as per 3.11. Management may still take action even when the results of a conformation test are below these levels if it is determined that an employee is unable to perform the assigned job tasks.

3.03 CONFIRMATION TESTING

If initial screening test results are .02 or greater, a second test will be conducted within twenty (20) minutes of the screening test, but not less than fifteen (15) minutes following the screening test. The employee will be instructed to not eat, drink, or put any substance in his/her mouth during the waiting period, before the confirmation test is conducted.

3.04 TESTING LOCATIONS

All breath alcohol testing shall be conducted site at the employee's work place or other locations as determined by the agency Drug Program Coordinator (DPC) or designee and shall be considered work time.

3.05 INABILITY TO PROVIDE AIR VOLUME

An employee who is unable to blow sufficient volume into the Evidential Breath Testing Device (EBT) shall be referred for a medical evaluation to determine if there is a valid reason the employee could not complete the breath alcohol test. Disciplinary action, up to and including termination, may be taken against the

employee who was medically capable of completing the breath alcohol test but did not do so.

3.06 EMPLOYEE NOTIFICATION

1. The Breath Alcohol Technician (BAT) shall inform the employee of the test results.
2. If an employee tests .02 or greater, the collection agency shall notify the agency DPC.

3.07 PRE-EMPLOYMENT TESTING

1. Pre employment alcohol testing does not apply to state employees unless specifically required by federal regulations. (ie: CDL drivers)
2. Each agency will advise applicable applicants that submitting to breath alcohol test is a condition of employment prior to the initial performance of safety sensitive duties as defined by the applicable federal agency.

3.08 REASONABLE SUSPICION TESTING

1. Reasonable suspicion alcohol testing may be initiated when management determines that there is reasonable suspicion to warrant a test. This reasonable suspicion must be based on specific, documentable, contemporaneous, observation including but not limited to: job performance, appearance, behavior, speech, statements, possession, or body odors.
2. Management shall contact the agency DPC or designee, to concur in the decision to arrange to test an employee. The agency DPC or designee need not observe the employee's behavior. (For CDL positions, the supervisor must be trained in detection of the possible symptoms of alcohol abuse.)
3. If it is determined that an alcohol test is required, the test should be administered within two (2) hours. If the test is not administered within eight (8) hours, all attempts to administer the test should cease. For DOT testing, documentation is required for a reason as to why BAC test was not performed.

3.09 CRITICAL INCIDENT TESTING

1. Critical incident testing may be initiated when the behavior, action or inaction of an employee is of such seriousness it requires an immediate intervention on the part of management.
2. Management shall contact the agency DPC or designee, to concur in the decision to arrange to test an employee. The agency DPC or designee need not observe the employee's behavior.
3. Employees in safety sensitive positions who are tested for a critical incident must be placed in non-safety sensitive duties or on administrative leave until results from the test are available. In all cases of critical incident testing, any employee may be placed on administrative leave until an evaluation has taken place and an appropriate course of action determined, by the agency. No advance notice is required to perform critical incident alcohol tests.

3.10 POST-ACCIDENT TESTING

Employees who are involved in an accident while on duty, whether driving a state vehicle or any other vehicle, are subject to post accident testing where:

1. fatality occurs; or
2. The driver receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident ; or
 - b. One or more motor vehicles incurring disabling damage as a result of the accident, must be transported away from the scene by a tow truck or other vehicle.
3. There is reasonable suspicion that the employee had been driving under the influence of alcohol.
4. As soon as practical following the accident, each surviving employee shall be tested for alcohol, if that employee's performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident.
5. If a test is required, it should be administered within two (2) hours of the incident. If a test is not administered within eight (8) hours following the accident, all attempts shall cease. For DOT testing, documentation is required for a reason as to why BAC test was not performed.

6. An employee who is subject to post-accident testing who fails to remain readily available for the testing, including notifying the supervisor of his/her location if leaving the scene of the accident, prior to submitting to testing, may be deemed to have refused to submit to testing. This requirement shall not be construed to require the delay of necessary medical attention for injured people following an accident nor to prohibit an employee from leaving the scene of an accident for a period necessary to obtain assistance in necessary emergency medical care.

3.11 RANDOM TESTING

All employees in safety sensitive positions are subject to random alcohol testing.

1. Employees in positions which have specific federal regulations will be tested at the rate specified by the applicable federal regulation. Testing of the requisite number of employees shall be evenly distributed every calendar year. Each month the contracted collection company shall select the requisite number of employees to be tested using a computer program which randomly selects social security numbers. The contracted collection company will coordinate testing with the DPC or designee to arrange the date, time, and place the employee will report for the test. The DPC will notify the employee's supervisor of this information who will see that the employee reports directly to the testing site. The DPC shall ensure that random tests are unannounced. Testing will be conducted during normal working hours with no time lost to the employee.
2. Other positions, which have been designated as safety sensitive by DHRM, will be selected randomly by computer and be tested at a rate set by DHRM. Testing of the requisite number of employees shall be evenly distributed every calendar year. Each month the contracted collection company shall select the requisite number of employees to be tested using a computer program which randomly selects social security numbers. The contracted collection company will coordinate testing with the DPC or designee to arrange the date, time, and place, the employee will report for the test. The DPC will notify the employee's supervisor of this information who will see that the employee reports directly to the testing site. The DPC shall ensure that random tests are unannounced. Testing will be conducted during normal working hours with no time lost to the employee.

3.12 RETURN-TO-DUTY TESTING

1. Prior to allowing an employee who completes an alcohol treatment program to return to work, the agency must receive the following:
 - a. a statement of program completion from a substance abuse professional (SAP) ; and
 - b. a return to duty drug test which is verified as negative by the MRO.
2. Any employee who refuses to participate in a return to duty drug test or who tests positive for alcohol, is subject to discipline up to and including termination.

3.13 FOLLOW-UP TESTING

1. Any employee who tests positive for a controlled substance may be subject to follow up testing for a period not to exceed five (5) years.
2. An employee who has completed a substance abuse program, whether voluntary or recommended by a SAP, may be required to submit to subsequent unannounced testing as recommended by the SAP. Follow-up testing may continue for a period not to exceed five (5) years.

3.14 REFERRAL TO REHABILITATION SERVICES

Agencies may, at their sole discretion, offer an employee, who has a confirmed positive drug test, the option to receive an evaluation from a qualified substance abuse professional (SAP) and to successfully complete an appropriate rehabilitation program in lieu of termination. Employees who elect to participate shall be subject to the following provisions:

1. All rehabilitation and counseling services are at the employee's expense.
2. The employee shall be granted accrued leave in order to participate in treatment; the agency may also grant administrative leave or leave without pay.
3. Employees participating in rehabilitation are required to sign a medical records release in order to facilitate transmittal of verbal or written compliance reports; employees may also be required to sign a return to work and/or last chance agreement.
4. An employee may be required to continue participation in an outpatient rehabilitation program as prescribed by a licensed.

5. An employee in safety sensitive position may not return to work in safety sensitive duties until the substance abuse professional declares the employee has successfully completed the rehabilitation program and is ready to return to work, including performance of safety sensitive duties if applicable and has been re-tested in accordance with recommendations by the substance abuse professional and received a negative test result.
6. Employees who have gone through a rehabilitation process are expected to meet their performance standards just as other employees.
7. Employees shall be required to participate in a follow-up testing program after they have passed a return to duty test. Testing will occur on an unannounced basis for a period of time recommended by the substance abuse professional for a period not to exceed five (5) years.
8. Employees who fail to comply with the SAP recommendations and treatment plan, who violate their return to work or last chance agreement, or who test positive any time after the original positive test may be disciplined, up to and including termination.